IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 884 OF 2005

Bharat Nirutti Suppugade & Ors ...Petitioners

Versus

State of Maharashtra & Anr ...Respondents

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Mr. S.V. Marwadi, Advocate for Petitioners

Mr. S.R. Shinde, A.P.P. for State.

Respondent No.2 present in person.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 20TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioners i.e. original accused, and the learned A.P.P. for the State. Respondent No.2 i.e. original complainant is present in person.

2. The petitioners i.e. original accused in Case No. 223/PW/2004 are seeking quashing of the said complaint. The said case is pending before the learned Metropolitan Magistrate, 4th Court, Girgaon, Mumbai and it arose out of C.R. No. 91 of 2004 of Tardeo police station. The said case is under Section 498-A of I.P.C.

3. The complainant who is present in person has stated that consent terms have been filed by the parties before the Family Court and the dispute between the parties has been amicably settled. She has further stated that in view of the consent terms she does not wish to prosecute her complaint and she has no objection to the case being quashed. Reliance is placed on the various decisions, wherein where the disputes are settled and the complainant did not wish to pursue his/her complaint, the complaint came to be quashed. The said decisions are;-

i). B.S. Joshi Vs. State of Haryana, AIR 2003 SC 1386,

ii) Fahimuddin Vs. State of U.P., AIR 1981 SC 2008(3),

iii) Judgment of the Division Bench of this Court in Cri. W.P. No. 1672 of 2002 dated 20.12.2002 (Alan Douglas Grant Vs. State of Mah.)

iv) Order dated 27.3.2001 passed by His Lordship Mr. Justice S.S. Parkar in Cri. W.P. No. 366 of 2001.

4. Looking to the fact that the complainant does not wish to pursue her complaint, I am of the opinion that this Court can consider the prayer of the petitioner and quash the prosecution in the said case. Hence, case No. 223/PW/2004 pending before the learned M.M. 4th Court, Girgaon, Mumbai and the proceedings relating thereto are quashed.

5. Writ petition is disposed of.

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